IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 989 of 2004

For Approval and Signature:

HON'BLE MR.JUSTICE A.M.KAPADIA

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1	Whether Reporters of Local Papers may be allowed to see the judgment ?
2	To be referred to the Reporter or not ?
3	Whether their Lordships wish to see the fair copy of the judgment ?
4	Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?
5	Whether it is to be circulated to the civil judge ?

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RAMBHAI MULUBHAI GORANIYA &5 - Petitioner(s)

Versus

MER MULUBHAI GORANIYA &3 - Respondent(s)

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Appearance :

MR RC KAKKAD for Petitioner No(s).: 1,2,3,4,5,6.
MR NIRAV C THAKKAR for Respondent No(s).: 1.
RULE SERVED for Respondent No(s).: 2,3,4.

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CORAM :HON'BLE MR.JUSTICE A.M.KAPADIA

Date : 05/07/2005

ORAL JUDGMENT

1. Mr. R.C. Kakkad, learned advocate for the petitioners, upon instructions received from Mr. Shashikant V. Dhruv, learned advocate who had appeared in the lower court on behalf of the petitioners, seeks leave to withdraw the petition with a request that appropriate direction for expeditious disposal of Regular Civil suit No.21 of

2002 may be issued to the learned Civil Judge (J.D.)., Jam-Kalyanpur, Khambhaliya, District Jamnagar. Mr. Mihir Joshi, learned Senior Advocate with Mr. Nirav C. Thakkar, learned advocates for the respondents have no objection if leave as prayed for is granted and also issuing direction for expeditious disposal of the suit.

2. In view of the above, leave to withdraw the petition is granted. The petition stands disposed of as withdrawn. Rule is discharged with no order as to costs. Interim relief granted earlier stands vacated.

3. In the facts and circumstances of the case, the learned Civil Judge (J.D.)., Jam-Kalyanpur, Khambhaliya, District Jamnagar is directed to give expeditious hearing of Regular Civil suit No.21 of 2002 pending on his file and try to dispose it of as early as possible and preferably on or before 30.4.2006.

4. No observation made by the Courts below shall be construed as an expression of opinion on merit of this case as the findings recorded by both the courts below are at interlocutory stage which are tentative in nature. The trial court shall decide the suit strictly on the basis of the evidence that may be adduced before it strictly in accordance with law and uninfluenced by the fact that the petitioners had filed this petition challenging the interlocutory order which has been disposed of as withdrawn.

(A.M. Kapadia, J.)

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